

REMARKS

Claims 1, 2, 4-29, and 31-33 are presently pending. Claims 3, 30 and 34 are cancelled without prejudice. Claims 1, 25, 26, 27, and 31 are amended.

Claims 1, 25, 26, 27, and 31 were rejected under 35 U.S.C. 102(e) as being anticipated by Meinerth. Claim 1 was also rejected under 35 U.S.C. 103(a) as being inpatentable ver Jinzaki in view of Temple.

Claims 1, 25, 26, 27, and 31 are amended to recite, among other limitations, "wherein the scheduling apparatus is capable of arbitrating access to memory by the second device, wherein the second device is sensitive to latency and does not have a determinable periodic behavior".

Claim 3 recited "wherein the scheduling apparatus is capable of arbitration access to memory by at least one device that is sensitive to latency and does not have a determinable periodic behavior and was rejected under 35 U.S.C. 102(e), because "Meinerth teaches the overlay engine has expedited processing priority and is sensitive to latency." Office Action, at 2. Claims 25, 26, 30, and 34 were rejected on the same basis as claim 3.

However, Assignee respectfully submits that claims 1, 25, 26, 27, and 31 recite "wherein the scheduling apparatus is capable of arbitrating access to memory by the second device, wherein the second device is sensitive to latency and does not have a determinable periodic behavior". Examiner has indicated that Meinerth teaches "wherein the at least one counter is associated with at least the first device (The overlay engine)". Thus, even if Meinerth teaches the overlay engine has expedited processing priority and is sensitive to latency", Meinerth does

not teach "wherein the scheduling apparatus is capable of arbitrating access to memory by the second device, wherein the second device is sensitive to latency and does not have a determinable periodic behavior".

Accordingly, Assignee respectfully requests that Examiner withdraw the rejection to claims 1, 25, 26, 27, and 31.

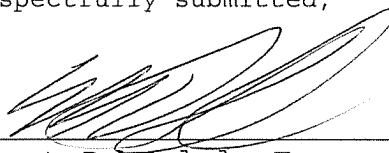
Conclusion

For at least the foregoing reasons, Assignee respectfully submits that each of the pending claims are in a condition for allowance. Examiner is respectfully requested to pass this case to issuance.

Commissioner is hereby authorized to charge any fees associated with executing any action requested herein.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mirut P. Dalal', is written over a horizontal line.

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